

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN**

In re: Michael & Ila Dauser

Debtors

Case No.: GG 17-05205

Date Filed: 11/9/17

Hon. John T. Gregg

Chapter 13 Proceeding

**TRUSTEE'S OBJECTION TO DEBTORS' FIRST POST-CONFIRMATION
AMENDED CHAPTER 13 PLAN**

NOW COMES the Trustee Brett N. Rodgers, by and through his staff attorney Elizabeth Clark, and hereby objects to Debtors' First Post-Confirmation Amended Chapter 13 Plan filed with court on October 24, 2019 [DN #53] (hereinafter referred to as "First Post-Confirmation Amendment") and states as follows:

1. Debtors filed their Chapter 13 Proceeding on November 9, 2017, and their Chapter 13 plan was confirmed on June 6, 2018.
2. Pursuant to Debtors' Second Pre-Confirmation Amended Chapter 13 Plan filed with court on March 7, 2018 [DN #30], Debtors' current plan payment is \$1290.87 per month.
3. Debtors are currently proposing in their First Post-Confirmation Amendment that their monthly payment shall be reduced to \$775.00 per month from November 13, 2019 until February 13, 2019 due to Debtor husband being off work as a result of recovering from surgery.
4. Debtors' First Post-Confirmation Amendment is in violation of 11 U.S.C. § 1329(b)(1), 11 U.S.C. § 1325(a)(3), and 11 U.S.C. § 1325(a)(6) for the following reason:

- a. Debtors have failed to supply the Trustee with any documentation showing Debtor wife's net income such as recent pay advices and bank statements. Their failure to produce documentation verifying Debtor wife's net income demonstrates a lack of good faith on Debtors' part in violation of 11 U.S.C. § 1325(a)(3). Debtors' failure should also result in a finding by this court that Debtors have failed to demonstrate that they can afford a plan payment of \$775.00 per month in contravention to 11 U.S.C. § 1325(a)(6).

WHEREFORE, the Trustee requests that the Debtors' First Post-Confirmation Amendment be denied by this court and that the court award any other relief the court determines to be just and equitable under the circumstances.

Respectfully submitted,

Date: November 14, 2019

/s/
Elizabeth Clark, Staff Attorney for
Brett N Rodgers Chapter 13 Trustee
99 Monroe Ste. 601
Grand Rapids, MI 49503
(616) 454-9638

Proof of Service

The undersigned certifies that a copy of this objection was served on the Debtor's attorney and Debtor at their respective addresses by regular, first class mail, postage pre-paid, by placing the envelopes in the mail on the date indicated below.

Date of Service: November 14, 2019

I declare that the statement above is true to the best of my information, knowledge and belief.

Served By:

/s/

John S. Educato, Case Analyst for the Chapter 13 Trustee